

Appendix

Commentary on IPER: PCT/GB00/02394

Re Item I: Applicant contests IPEA Examiner's remarks that the amendments filed with the International Bureau under Article 19 (1) PCT introduced subject matter which extends beyond the content of the application as filed, contrary to Article 19 (2) PCT.

The description on page 7 referred to by the Examiner on lines 10 to 15 is made with reference to "a preferred embodiment" (see line 13). Moreover, it is explicitly stated

"as will be appreciated by those skilled in the art, other spreading factors may be used without departing from the scope of the present invention" (see lines 15 to 17).

In the example described on page 7, the terminal uses a fixed spreading factor. The reason for fixing the spreading factor in the uplink is that to facilitate communication using the random access channel, certain parameters of the air interface, such as spreading factor need to be predetermined. In contrast, when the mobile has been assigned capacity on a bearer, then the spreading factor need not be fixed.

Accordingly no further amendments are necessary.

Re Item VIII: the IPEA Examiner states that "it is clear from the description on the claims that the following features are essential to the definition of the invention:

(1) the association scheme of channelisation code, spreading factor and training code is such that the channelisation code can be unambiguously determined if the spreading factor and the training code are known (see Figures 2 and 3 and related passages in the description);

(2) a single spreading factor is always used in the uplink mode of operation"

Claim 1 refers to an association scheme ("a set of rules"). The rules can be interpreted with reference to Figure 2 where a spreading factor of 16 is used. However the present invention is not restricted to the use of a spreading factor of 16 and therefore the inclusion of the limitation of spreading factor to 16 is unnecessarily limiting. It is obvious that if the spreading factor were e.g. 8 or 32, then the set of rules would differ.

Nevertheless the person skilled in the art would understand from the claims, with reference to the description and drawings, how to determine the channelisation code, given the spreading factor. The requirements of Article 6 PCT in conjunction with Rule 6.3(b) PCT have been met. Neither claims 1 nor 3 contain nor need this feature.

Futhermore, and as explained above with reference to item I, claim 1 does include feature (2). To limit the claim of the invention to a scheme with a spreading factor of 16 would be unnecessarily limiting.

The Examiner argues that the absence of the above mentioned features is such that the scope of independent claims 1 and 3 is broader than just defined by the description and the drawings, which refer exclusively to a method comprising the above mentioned essential features in order to solve the technical problem posed, and the possibilities not being contemplated in the application. In contrast, Applicant desires protection commensurate with the invention disclosed. Applicant has explained how the invention works with reference to a scheme where there is a spreading factor of 16. Other spreading factors can be used.

No amendments are believed necessary in this regard.

Re Item V: the IPEA Examiner states that independent claims 5 to 10 define several telecommunication systems and devices "operable in accordance with the methods as claimed in any of claims 1 to 4". The Examiner has interpreted this as being equivalent to the formulation "suitable for carrying out the methods as claimed in any one of claims 1 to 4", i.e. as a non-limiting feature. The Examiner suggests that a formulation imposing clear limitations on the claimed system like e.g. "a code division multiple access mobile telecommunications system comprising means for carry out the steps of the method according to any one of claims 1 to 4" would be appropriate.

Applicant interprets that telecommunications systems and devices "operable in accordance with the methods as claimed in any one of claims 1 to 4" as telecommunications systems and devices comprising means for carrying out the steps of the methods as claimed in any one of claims 1 to 4. No amendments appear to be necessary. If the telecommunications systems and devices don't possess such means for carrying out the steps of the methods, then they are not relevant.

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